

INTERGOVERNMENTAL AGREEMENT
CONCERNING COOPERATIVE PLANNING EFFORTS

SEP 13 1996

This Intergovernmental Agreement Concerning Cooperative Planning Efforts (the "Agreement") dated as of October 15, 1996, is between the City of Steamboat Springs, Colorado, a municipality chartered pursuant to the laws of the State of Colorado ("City") and Routt County, Colorado ("County") acting by and through the Board of County Commissioners.

Recitals

A. City and County have the authority pursuant to Article XIV, Section 18, of the Colorado Constitution and C.R.S. Section 29-1-201, et seq., to enter into intergovernmental agreements for the purpose of providing any service or performing any function which they can perform individually.

B. City and County are the parties to an "Intergovernmental Agreement on Land Use Matters Referral" (the "1990 Agreement") dated March 19, 1990, a copy of which is attached hereto as Exhibit A.

C. In 1995, City and County adopted the Steamboat Springs Area Community Plan which provides, in part, that City and County are to enter into an intergovernmental agreement "in order to identify roles and responsibilities as well as the steps necessary for planning, reviewing and approving development [outside the city limits but] within the urban boundaries."

D. City and County intend this Agreement to be the intergovernmental agreement referred to in Recital C, above and further intend by this Agreement to amend the 1990 Agreement to make clear that, although the 1990 Agreement shall not be revoked, in cases where both the 1990 Agreement and this Agreement would otherwise be applicable, the provisions of this Agreement shall control.

Terms and Conditions

Therefore, City and County agree as follows:

Section 1. Definitions: The following terms shall have the meanings set forth following them as set forth below:

Board of County Commissioners: The Board of County Commissioners of

Routt County.

City Council: The City Council of the City of Steamboat Springs.

City Limits: The legally established corporate limits of the City.

City Planning Commission: The City of Steamboat Springs Planning Commission.

City Planning Staff: The staff of the City's Planning Services Department.

Community Plan: The Steamboat Springs Area Community Plan.

County Planning Staff: The staff of the Routt County Regional Planning Department.

Plan Area: The area which was included in the Community Plan as shown in the first map entitled "Future Land Use" immediately following Page IV-4 in the Community Plan.

Proposed Development Applications: As related to applications filed with County with respect to proposed development within the unincorporated areas of the County, this term shall include all applications under the County's zoning resolution or subdivision regulations requiring review by the Regional Planning Commission, the Board of County Commissioners or the Planning Administrator including subdivision exemption applications under Section 11 of the Routt County Subdivision Regulations and shall also include road reviews under C.R.S. Sec. 30-28-110 (3)(a). This term shall not include requests for variances or site plan reviews of "grandfathered" non-conforming lots which are subject to review by the Board of Adjustment. As related to applications filed with the City, this term shall include all annexation petitions, initial zoning requests and all submittals requiring approval of a development permit in connection with a petition for annexation.

Regional Planning Commission: The Routt County Regional Planning Commission.

TAC: The Technical Advisory Committee which is a committee comprised of various members of the City and County Planning Staffs, the Regional Building Department, representatives of the various fire protection districts and the public utilities and from other governmental agencies such as the Colorado Department of Wildlife which meet to review, among other things, Proposed

Development Applications.

Urban Boundary: The demarcation line between those areas within the Plan Area where future development of urban density and nature is deemed appropriate and those areas in which such development is deemed inappropriate. The initial Urban Boundary is that area within the line designated as "Urban Boundary" and shown on the maps entitled "Future Land Use" immediately following Page IV-4 of the Community Plan. The Community Plan states that:

The boundaries are based on three primary criteria, including:

- The desire to maintain the character of each planning area as development occurs,
- The use of major natural or geographic features (e.g. ridges, rivers or streams, etc.) to define boundaries that could be maintained over time.
- The ability to provide urban services (e.g. water, wastewater, police protection, schools, etc.) cost effectively.

As used in this Agreement, the Urban Boundary shall refer to that boundary as it may be altered from time to time in accordance with Section 2 of this Agreement.

Section 2: Revision of Urban Boundary:

The Urban Boundary may be revised by City and County following review of that Boundary. A review of the Urban Boundaries shall be conducted by City and County no less frequently than once each five years during the term of this Agreement with the first such review to be conducted commencing in January 2000. In addition, in October of each year, City and County shall each conduct a review to determine if any of the "triggering events" described in Exhibit B attached hereto as occurred. If both City and County determine that the same triggering event has occurred during the period since the last such annual review of triggering events, then City and County shall conduct a review of the Urban Boundary promptly following such determinations.

In the event that a review of the Urban Boundary occurs pursuant to the preceding sentence then the time period for review under the provision requiring review once every five years shall thereafter be calculated from the date on which the review under the preceding sentence is completed.

Any review of the Urban Boundary shall be conducted in the same fashion as the Community Plan was adopted so long as permitted by Colorado state law and the

City's charter as in effect at the time of any such review. Any adoption of an amendment of the Urban Boundary shall be made after public hearings by both City and County in accordance with the then applicable laws and regulations.

Section 3. Interim Policy for Review of Proposed Development Applications:

Until such time as a Permanent Review Process has been adopted by City and County pursuant to Section 5 hereof, County and City shall cooperate in the review of Proposed Development Applications, within the Urban Boundary but not within the City Limits in the following fashion:

3.1 Proposed Development Applications to County for Land Outside City Limits. Upon receipt of a completed Proposed Development Application, including all Land Preservation Subdivision applications within the Community Plan boundaries, County Planning Staff shall forward a copy of the application to City Planning Staff and shall advise City Planning Staff of the dates on which the application will be heard by the Regional Planning Commission and the Board of County Commissioners as applicable. County shall provide City Planning Staff with a copy of the complete submittal package sufficiently prior to the hearing on the application so as to permit adequate time for City to provide comments as permitted in the following paragraph. In the event that a potential applicant requests a preapplication meeting with County Planning Staff, County Planning Staff shall advise City Planning Staff of the request and, subject to the agreement of the potential applicant, City Planning Staff shall be entitled to send a representative to the meeting; provided, however, that this provision shall not apply to minor, unscheduled visits by a potential applicant.

The forwarding of the Proposed Development Application and notification of hearing dates to be provided in accordance with the foregoing provision shall constitute a referral of the application for discretionary and advisory review and comment to the City Planning Staff, the City Planning Commission and/or the City Council. The decisions as to whether to review the Proposed Development Application and whether it shall be reviewed by the City Planning Staff, the City Planning Commission or the City Council, or some or all of those groups, shall be at the discretion of City; provided, however, that all Proposed Development Applications shall be reviewed by the TAC. Unless otherwise agreed to by the applicant and the County, the applicant shall not be required to attend any additional meetings or hearings as a part of such review. City and County shall each have sole responsibility for providing such notice of any hearing of any portion or body of its government as may be required by law. City shall provide any comments it may have concerning the Proposed Development Application, in writing, to the County Planning Staff at least

10 days prior to the first scheduled hearing on the application before the Regional Planning Commission or Board of County Commissioners as the case may be. City Planning Staff may also participate in any TAC meeting held with respect to the Proposed Development Application.

Any deadline established above relating to the provision of information or comments may be extended by mutual agreement of the City and County Planning Staffs but the date and time for hearings shall be extended only as permitted by applicable law and regulations.

3.2 Proposed Development Applications to City for Land Within the Urban Boundary but Outside the City Limits. Upon receipt of a completed Proposed Development Application, City Planning Staff shall forward a copy of the application to County Planning Staff and shall advise County Planning Staff of the dates on which the application will be heard by the City Planning Commission and the City Council as applicable. City shall provide County Planning Staff with a copy of the complete submittal package sufficiently prior to the hearing on the application so as to permit adequate time for County to provide comments as permitted in the following paragraph.

The forwarding of the Proposed Development Application and notification of hearing dates to be provided in accordance with the foregoing provision shall constitute a referral of the application for discretionary and advisory review and comment to the County Planning Staff, the Regional Planning Commission and/or the Board of County Commissioners. The decisions as to whether to review the Proposed Development Application and whether it shall be reviewed by the County Planning Staff, the Regional Planning Commission or the Board of County Commissioners, or some or all of those groups, shall be at the discretion of County; provided, however, that all Proposed Development Applications shall be reviewed by the TAC. Unless otherwise agreed to by the applicant and City, the applicant shall not be required to attend any additional hearings or meetings as a part of such review. City and County shall each have sole responsibility for providing such notice of any hearing of any portion or body of its government as may be required by law. County shall provide any comments it has concerning the Proposed Development Application, in writing, to the City Planning Staff at least 10 days prior to the first scheduled hearing on the application before the City Planning Commission or City Council as the case may be. County Planning Staff may also participate in any TAC meeting held with respect to the Proposed Development Application.

Any deadline established above relating to the provision of information or comments may be extended by mutual agreement of the City and County Planning Staffs but the date and time for hearings shall be extended only as permitted by

applicable law and regulations.

3.3 Review of Land Use Matters not Reviewable Pursuant to Section 3.1 or 3.2. The 1990 Agreement shall continue to apply to the review of land use applications previously reviewable under it except those Proposed Development Applications reviewable under the foregoing provisions.

Section 4. Development of a Master Plan for the West of Steamboat Area:

City and County shall cooperate in the preparation of a master plan for the West of Steamboat Area as identified in the Community Plan at Page II-10. This master plan shall define an urban design strategy and a plan for the development of the infrastructure necessary for development in the West of Steamboat Area. At a minimum, this master plan shall create detailed policies on: (a) the location and development of water main lines, including extensions of existing water mains; (b) the location and development of sewer main lines; (c) the location and development of arterial and collector roadways, major intersections, railroad crossings and bridges; (d) the means for the provision of public services, including police, fire protection and schools for the residents of the area; (e) the location and development of an open space, parks, recreation and trails system; and (f) the means to coordinate development proposals and approvals with other governmental entities such as the fire protection district and the water and sanitation district. The master plan shall also set forth guidelines for developing traditional neighborhood and transit-oriented neighborhood design strategies. Such guidelines shall define neighborhood centers and propose an approximate density and preferred types of housing for neighborhoods within the West of Steamboat Area. The master plan shall further provide a policy for the appropriate timing and criteria for the annexation of the West of Steamboat Area by the City which addresses the logical and cost effective provision of the infrastructure and public services necessary for development in the area and which recognizes applicable Colorado law regarding annexations.

Section 5. Development of Permanent Review Process for Development Within the Unincorporated Areas within the Urban Boundary:

Upon completion of the West of Steamboat Area Plan, City and County shall cooperate in the development of a permanent review process of Proposed Development Applications concerning development within the unincorporated portions of the County within the Urban Boundary.

Section 6. Process for Annexations by City:

VS3AP adopted
11/16/99
updated 2006

In addition to all provisions of Colorado law concerning municipal annexations, City shall comply with the provisions of Section 3.2 and shall not annex any unincorporated portion of the County until such provisions have been satisfied. Further, neither City nor County shall grant any petition or that is inconsistent with the Community Plan or any applicable jointly adopted area plan.

Section 7. Notice:

Any notice required under this Agreement may be personally delivered or mailed in the United States mails, first class postage prepaid to the party to be served at the following addresses:

City: City Manager
137 10th Street
P.O. Box 775088
Steamboat Springs, Colorado 80477

County: Routt County Board of Commissioners
Courthouse Annex
136- 6th Street
P.O. Box 773598
Steamboat Springs, Colorado 80477

Notices personally served shall be deemed served on the date of delivery. Notices mailed shall be deemed served the next business day following the date of mailing if mailed in Steamboat Springs, Colorado.

Section 8. Amendments:

This Agreement may not be amended except by a written document executed by both City and County.

Section 9. Term and Termination of Agreement:

Subject to due execution of this Agreement by the parties, this Agreement shall be effective as of May 8, 1996. The initial term of this Agreement shall be from May 8, 1996, through December 31, 1996. Thereafter, its term shall automatically be extended annually for the following year unless either party gives written notice of

termination to the other party to this Agreement not later than December 1 of the year in which the Agreement shall terminate as a result of such notice. In the event that a written notice of termination is given under this Section 17, then it shall become effective as of December 31 of the in which it is given.

Section 10. Governing Law:

This Agreement shall be governed by and construed in accordance with the internal laws of the State of Colorado without reference to choice of laws rules.

Section 11. Savings Clause:

In the event that a Court of competent jurisdiction determines that any provision of this Agreement is contrary to law and therefore, unenforceable or invalid, the balance of this Agreement shall remain in full force and effect unless, as a result of such decision, the essential purposes of the parties in making this Agreement can not be achieved.

Attest:

ROUTT COUNTY, COLORADO BY ITS
BOARD OF COUNTY COMMISSIONERS

Kay Weinland
Routt County Clerk

By:
Daniel R. Ellison, Chairman

Attest:

CITY OF STEAMBOAT SPRINGS,
COLORADO

Julie Jordan-Struble,
City Clerk

By:
Kevin J. Bennett, President
Steamboat Springs City Council

IGAFinal.doc (9/12/96)

Exhibit B

Triggering Events for Review
of Urban Boundaries

1. A change in the status of the governmental approvals (permits) of the Lake Catamount growth center, including the adjacent ski area; or
2. A build-out within the Urban Boundary which results in either (a) sixty percent if the Developable Land with the Urban Boundary has become Developed Land; or (b) seventy percent of the Developable Land within an individual future land use classification has become Developed Land; or
3. Adoption or amendment to recommendations of the Routt National Forest Master Plan if it includes the creation of an additional base area outside the Urban Boundary; or
4. The agreement of the City and County that the Urban Boundary should be reviewed.